

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated June 7, 2010, are respectfully requested in view of this amendment. By this amendment, claims 14, 15 and 20 have been amended. Claims 14, 15, 17 and 20-25 are pending in this application.

Claims 14 was amended to clarify the diffraction of the sub-beams, to clarify the reflection by the recording layer, and to describe a single recording layer. Claim 20 has been amended to correct an informality.

Support for these amendments is found at least in Figs. 6, 7(a), 7(b), 9(a), 9(b), and in the original application, as reflected in paragraphs [0047], [0058], [0061], [0062], [0073], [0102], [0104], [0107] - [0109], [0132], and [0157] of the as-filed application. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132, and the scope of claims 1 and 3 was not altered or reduced by this amendment.

Summary of the Office Action

Claims 14, 15, 17, and 20-25 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 14, 15, 17, and 20-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Also, the Examiner objected to claim 14 due to an informality.

Claims 14, 15, 17, and 20-25 were indicated being allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph.

Summary of the Response to the Office Action

Applicant thanks the Examiner for indicating that claims 14, 15, 17, and 20-25 recite allowable subject matter.

The amendment to claim 14 sets forth the distinctions between the specified aspects of the claimed subject matter in a manner which is intended to overcome the rejections under 35 U.S.C. §112, first and second paragraphs.

Objections to the Claims

Claim 14 stands objected to based on a reference to, "the detection signal." The reference has been changed to, "a detection signal," as suggested by the Examiner. The Examiner's help in this matter is appreciated.

Rejections Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 14, 15, 17, and 20-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, it was deemed unclear as to the operation in which unnecessary light from one medium is removed, in view of the description of the second recording medium.

Response

Reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. §112, first paragraph, states that "The specification shall contain a written description ... in such full, clear, concise, and exact terms as to enable any person skilled in the art ... to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention."

In this regard, the Examiner is correct in that only a single medium (first medium or second medium) is read at a given time.

The amendment to claim 14 sets forth the distinctions between the sub-beams of the first information recording medium and the sub-beams of the second information recording medium. The claim now references a single recording layer of the second information medium, and cancels the description of, "recording layers other than the recording layer that is a recording or

reproducing object." This is believed to clearly set forth the reception of light from the particular diffracted beams from the second medium and the description of the unnecessary light from similar aspects of the diffracted beams from the first medium.

Accordingly, Applicant has described the relevant features in a manner which is clear and concise, and in a manner that will allow a skilled artisan to carry out the claimed subject matter. Furthermore, the claimed features are set forth in a manner which is full, clear, concise, and exact terms as to enable a skilled artisan to make and use the same.

It is therefore requested that the rejection under 35 U.S.C. §112, first paragraph be removed.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 14, 15, 17, and 20-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the reference to, "the first and second diffracted beams," was deemed unclear.

Response

By this Response and Amendment, the rejections to claim 1 is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. §112, second paragraph, states that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

As suggested by the Examiner, amended claim 14 now references the first and second diffracted beams that are diffracted from the first and second sub-beams *respectively* by the hologram element, and references the receive third and fourth diffracted beams that are diffracted from the third and fourth sub-beams *respectively* by the hologram element.

It is respectfully submitted that amended claim 14 now particularly points out and distinctly claim the subject matter. For these reasons, Applicant submits that claims 14, 15, 17, and 20-25 now comply with 35 U.S.C. § 112, second paragraph, and requests that the rejections be withdrawn.

Allowed Claims

The Examiner indicated that claims 14, 15, 17, and 20-25 are allowable over the prior art of record. Applicant appreciates this determination of allowability.

Conclusion

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

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